

1      Introduced by Representatives Buxton of Tunbridge and Wright of Burlington

2      Referred to Committee on

3      Date:

4      Subject: Executive; state officers and employees; post-public service

5                employment; prohibition

6      Statement of purpose of bill as introduced: This bill proposes to prohibit for

7      one year after the termination of public office an elected or appointed official

8      in the Executive Branch from accepting employment from a person who is

9      regulated by the public body to which the official was elected or appointed and

10     which involves a matter in which the official directly and substantially

11     participated during public office.

12 An act relating to prohibiting certain employment after an elected or  
13 appointed official in the Executive Branch leaves public office

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 3 V.S.A. § 267 is added to read:

16        § 267. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING PUBLIC  
17        OFFICE

18           (a) Employment prohibited. An elected or appointed official in the  
19           Executive Branch shall not accept employment for a period of one year  
20           the termination of his or her public office if the employment:

1               (1) is from a person who is regulated by the public body in which the  
2               public official served or was employed; and

3               (2) involves a matter in which the public official directly and  
4               substantially participated during the term of his or her public office.

5               (b) Enforcement.

6               (1) Whenever the Attorney General or a state's attorney has reason to  
7               believe that a person has accepted employment in violation of subsection (a) of  
8               this section and that proceedings would be in the public interest, the Attorney  
9               General, or a state's attorney if authorized to proceed by the Attorney General,  
10               may bring an action in the name of the State against the person to restrain by  
11               temporary or permanent injunction the employment. The action may be  
12               brought in the Superior Court of the county in which such person resides, has a  
13               place of business, or is doing business. The courts are authorized to issue  
14               temporary or permanent injunctions to restrain and prevent violations of this  
15               section.

16               (2) In addition to the provisions of subdivision (1) of this subsection, the  
17               Attorney General or a state's attorney may request and the court is authorized  
18               to render any other temporary or permanent relief, or both, as may be in the  
19               public interest, including:

20               (A) the imposition of a civil penalty of not more than \$10,000.00 for  
21               each violation;

1                   (B) an order for the repayment of any economic advantage the person  
2                   gained by the violation; and

3                   (C) an order requiring reimbursement to the State of Vermont for the  
4                   reasonable value of its services and its expenses in investigating and  
5                   prosecuting the action.

6                   (3) Whenever a state's attorney brings an action pursuant to this section,  
7                   a copy of any pleadings shall be served on the Attorney General pursuant to  
8                   Rule 5 of the Vermont Rules of Civil Procedure. Failure to comply with this  
9                   provision shall not affect the validity of the proceedings commenced under this  
10                  section.

11                  (c) Definitions. As used in this section:

12                  (1) “Appointed official” means any exempt employee or member of a  
13                  public body appointed by or upon the approval of the Governor or by or upon  
14                  the approval of another appointed official.

15                  (2) “Public body” means any agency, department, division, or office and  
16                  any board or commission of any such entity, or any independent board or  
17                  commission, in the Executive Branch of the State.

18                  Sec. 2. EFFECTIVE DATE

19                  This act shall take effect on July 1, 2013.